

AMENDED IN SENATE APRIL 5, 2016

SENATE BILL

No. 890

Introduced by Senator Gaines

January 20, 2016

~~An act to amend Section 2070 of the Insurance Code, relating to insurance. An act to add Section 6356.11 to the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 890, as amended, Gaines. ~~Insurance: fire insurance. Sales and use taxes: no-tax weekends: firearms, ammunition, and hunting supplies.~~

Existing sales and use tax laws impose taxes on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state, and provides various exemptions from the taxes imposed by those laws. The Bradley-Burns Uniform Local Sales and Use Tax Law authorizes cities and counties to impose local sales and use taxes in conformity with the Sales and Use Tax Law, and existing law authorizes districts, as specified, to impose transactions and use taxes in accordance with the Transactions and Use Tax Law, which conforms generally to the Sales and Use Tax Law. Exemptions from state sales and use taxes are incorporated into these laws.

This bill would exempt from those taxes the gross receipts from the sale of, and the storage, use, or other consumption in this state of, firearms, ammunition, and hunting supplies purchased by an individual in the 2-day period beginning at 12:01 a.m. on the first Saturday in September and ending at midnight the next day and the 2-day period

beginning at 12:01 a.m. on the first Saturday in October and ending at midnight the next day, as provided. The bill would specify that this exemption does not apply to local sales and use taxes and transactions and use taxes, and specified state sales and use taxes the proceeds of which are deposited into the Local Revenue Fund, the Local Revenue Fund 2011, the Local Public Safety Fund, and the Education Protection Account.

This bill would take effect immediately as a tax levy.

~~Existing law establishes a standard form for fire insurance policies in this state. Existing law requires that all fire insurance policies in California be on the standard form, with no additions to that form, except as provided. Existing law prohibits any part of the standard form from being omitted from the policy, except as specified.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Section 6356.11 is added to the Revenue and*
- 2 *Taxation Code, to read:*
- 3 *6356.11. (a) There are exempted from the taxes imposed by*
- 4 *this part the gross receipts from the sale of, and the storage and*
- 5 *use of, or other consumption in this state of, firearms, ammunition,*
- 6 *and hunting supplies purchased by an individual in the two-day*
- 7 *period beginning at 12:01 a.m. on the first Saturday in September*
- 8 *and ending at midnight the next day and the two-day period*
- 9 *beginning at 12:01 a.m. on the first Saturday in October and*
- 10 *ending at midnight the next day who, at the time of the purchase,*
- 11 *provides the retailer with a copy of his or her valid annual hunting*
- 12 *license or lifetime license issued pursuant to Article 2 (commencing*
- 13 *with Section 3031) of Chapter 1 of Part 1 of Division 4, or a*
- 14 *lifetime sportman's license issued pursuant to Section 714 of, the*
- 15 *Fish and Game Code.*
- 16 *(b) For the purposes of this section, the following shall apply:*
- 17 *(1) "Firearms" mean shotguns, rifles, pistols, revolvers, or*
- 18 *other handguns that may be legally sold or purchased in*
- 19 *California.*

1 (2) *“Ammunition” means that ammunition designed and*
2 *intended to be fired from a firearm.*

3 (3) *“Hunting supplies” means only those supplies used for and*
4 *designed and intended for hunting, which include all of the*
5 *following:*

6 (A) *Archery items such as bows, crossbows, arrows, quivers,*
7 *and shafts.*

8 (B) *Off-road vehicles including all-terrain vehicles designed*
9 *and intended primarily for hunting. Off-road vehicles do not*
10 *include golf carts, go-carts, dirt bikes, mini-bikes, motorcycles,*
11 *tractors, or motor vehicles that may be legally driven on the streets*
12 *and highways of California, or heavy equipment such as cranes,*
13 *forklifts, backhoes, and bulldozers.*

14 (C) *Vessels designed and intended for hunting such as airboats*
15 *and pirogues.*

16 (D) *Accessories designed and intended for hunting.*

17 (E) *Animal feed manufactured and marketed for consumption*
18 *primarily by game that can be legally hunted. Animal feed does*
19 *not include food for animals that are pets.*

20 (F) *Apparel including safety gear, camouflage clothing, jackets,*
21 *hats, gloves, mittens, face masks, and thermal underwear*
22 *manufactured and marketed as being primarily for wear or use*
23 *while hunting.*

24 (G) *Hunting shoes or boots designed and intended for hunting.*

25 (H) *Bags designed and intended to carry game or hunting gear.*

26 (I) *Float tubes if purchased to be used for hunting.*

27 (J) *Binoculars if purchased to be used for hunting.*

28 (K) *Tools manufactured and marketed as primarily for use in*
29 *hunting.*

30 (L) *Firearm and archery cases.*

31 (M) *Firearm and archery accessories.*

32 (N) *Range finders.*

33 (O) *Knives manufactured and marketed as primarily for use in*
34 *hunting, which does not include knives purchased for household,*
35 *business, or other recreational uses.*

36 (P) *Decoys.*

37 (Q) *Tree stands.*

38 (R) *Blinds.*

1 (S) Chairs to be used for hunting, which does not include chairs
2 or other furniture purchased for household, business, or other
3 recreational uses.

4 (T) Optics such as rifle scopes and impact resistant glasses for
5 shooting.

6 (U) Hearing protection gear and enhancements.

7 (V) Holsters.

8 (W) Belts that are manufactured and marketed as primarily for
9 use in hunting.

10 (X) Slings.

11 (Y) Other miscellaneous gear manufactured and marketed as
12 primarily for use in hunting, which does not include toy guns and
13 vessels and off-road vehicles utilized as children's toys.

14 (c) (1) Notwithstanding any provision of the Bradley-Burns
15 Uniform Local Sales and Use Tax Law (Part 1.5 (commencing
16 with Section 7200)) or the Transactions and Use Tax Law (Part
17 1.6 (commencing with Section 7251)), the exemption established
18 by this section does not apply with respect to any tax levied by a
19 county, city, or district pursuant to, or in accordance with, either
20 of those laws.

21 (2) Notwithstanding subdivision (a), the exemption established
22 by this section shall not apply with respect to any tax levied
23 pursuant to Section 6051.2 or 6201.2, Section 35 and subdivision
24 (f) of Section 36 of Article XIII of the California Constitution, or
25 any tax levied pursuant to Section 6051 or 6201 that is deposited
26 in the State Treasury to the credit of the Local Revenue Fund 2011
27 pursuant to Section 6051.15 or 6201.15.

28 SEC. 2. This act provides for a tax levy within the meaning of
29 Article IV of the Constitution and shall go into immediate effect.

30 SECTION 1. ~~Section 2070 of the Insurance Code is amended~~
31 ~~to read:~~

32 ~~2070. (a) All fire policies on subject matter in California shall~~
33 ~~be on the standard form and, except as provided by this article,~~
34 ~~shall not contain additions to the form.~~

35 ~~(b) No part of the standard form shall be omitted from the policy.~~
36 ~~However, a policy providing coverage against the peril of fire only,~~
37 ~~or in combination with coverage against other perils, need not~~
38 ~~comply with the provisions of the standard form of fire insurance~~
39 ~~policy or Section 2080, if the coverage with respect to the peril of~~
40 ~~fire, when viewed in its entirety, is substantially equivalent to, or~~

- 1 ~~more favorable to the insured than, that contained in the standard~~
- 2 ~~form fire insurance policy.~~

O